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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF AN APPLICATION OF
THE UNITED STATES OF AMERICA FOR
AUTHORIZATION TO OBTAIN LOCATION
DATA CONCERNING MOBILE TELEPHONES
ASSIGNED NUMBERS (347) 561-1601
and (646) 309-4362

SEALED

APPLICATION TO DELAY
NOTICE

Misc. Docket No. 11-545

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LORETTA E. LYNCH, United States Attorney for the
Eastern District of New York, by Amanda Hector, Assistant United
States Attorney for the Eastern District of New York, affirms as
follows:

1. I am an Assistant United States Attorney in the
office of Loretta E. Lynch, United States Attorney for the
Eastern District of New York, and, as such, I am familiar with
this matter.

2. The government seeks authorization pursuant to 18
U.S.C. §§ 3103a(b)-(c) and 2705, and Fed. R. Crim. P. 41(f)(3),
to delay service on Luis Perez ("Perez") of a copy of the Order
previously issued in the above-captioned matter authorizing the
disclosure of: (1) E-911 Phase II data, also known as GPS data or
latitude-longitude data; and (2) cell-site data, also known as
tower/face information or cell tower/sector record data
(together, "Location Information") of cellular telephones
assigned call numbers (347) 561-1601 and (646) 309-4362 (the

"Target Cell Phones"), for an additional 90 days from the date hereof.

3. I have discussed this case with one of the law enforcement agents handling the investigation. Based on those discussions, and for the reasons that follow, I believe that the immediate notification of the execution of the search warrant described herein would have an adverse result as defined by 18 U.S.C. § 2705(a)(2) and, therefore, there is good cause for further delaying notification for another period of 90 days.

4. On July 21, 2011, the Honorable James Orenstein, United States Magistrate Judge, issued an order authorizing the disclosure of the Location Information of the Target Cell Phones for a period of 30 days. (Misc. Docket No. 11-545). In addition, the court ordered that the government may delay notice to the user of the Target Cell Phones of its order for up to 30 days after the termination of the monitoring period authorized by the warrant, or any extension thereof, pursuant to 18 U.S.C. § 3103a(b).

5. Disclosure of the Location Information was sought for the purpose of maintaining surveillance of Perez who was believed to be participating in a narcotics trafficking conspiracy, including attempting to commit murder while engaged in narcotics trafficking, in violation of federal criminal laws, including 21 U.S.C. §§ 846 and 848(e)(1)(A). The government's

investigation of Perez regarding these crimes is currently ongoing. The government is also investigating Perez's involvement in additional crimes of violence, including murder.


6. Accordingly, the government requests authorization for a further extension of the time period permitted to serve notice on Perez to protect its ongoing investigation. Were such notice provided now, it would disclose to Perez that he has been and continues to be under investigation. The present provision of notice to Perez would likely have an adverse result on the investigation, including, but not limited to, triggering Perez's flight from prosecution, the destruction of evidence and jeopardizing the safety of witnesses. Accordingly, the government submits that further extending the delay of notice of Judge Orenstein's July 21, 2011 order authorizing the disclosure of Location Information for the Target Cell Phones is warranted.

6. No prior request for the relief set forth herein has been made. The foregoing is affirmed under the penalties of perjury. 28 U.S.C. § 1746.

WHEREFORE, the government respectfully requests that the Court enter an order granting this application and that in light of the nature of this application and the matters discussed

herein, this application and order be filed under seal pending further order of the court.

Dated: Brooklyn, New York
September 21, 2011



Amanda Hector
Assistant United States Attorney

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF AN APPLICATION OF **SEALED**
THE UNITED STATES OF AMERICA FOR ORDER
AUTHORIZATION TO OBTAIN LOCATION
DATA CONCERNING MOBILE TELEPHONES Misc. Docket No. 11-545
ASSIGNED NUMBERS (347) 561-1601
and (646) 309-4362
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WHEREAS an application has been made on behalf of the United States by Amanda Hector, an Assistant United States Attorney for the Eastern District of New York, pursuant to Title 18, United States Code, Sections 3103a and 2705 and Rule 41(f)(3) of the Federal Rules of Criminal Procedure for an order authorizing a further extension of the time period to serve notice of the July 21, 2011 order issued by the Honorable James Orenstein, United States Magistrate Judge (the "July 21, 2011 Order"), in the above-captioned matter authorizing the disclosure of: (1) E-911 Phase II data, also known as GPS data or latitude-longitude data; and (2) cell-site data, also known as tower/face information or cell tower/sector record data (together, "Location Information") of cellular telephones assigned call numbers (347) 561-1601 and (646) 309-4362 (the "Target Cell Phones"), and

WHEREAS, there continues to be reasonable cause to believe that the provision of immediate notification to Luis Perez of the July 21, 2011 Order may have an adverse result within the meaning of 18 U.S.C. § 2705 and good cause having been shown,

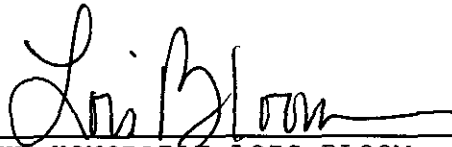
IT IS HEREBY ORDERED that:

1) The government may delay notice to Luis Perez of the July 21, 2011 Order for a period of 90 days from the date of this Order.

2) This Order and the application submitted herewith are hereby SEALED pending further order of this court.

SO ORDERED.

Dated: Brooklyn, New York
September 22, 2011

A handwritten signature in black ink, appearing to read "Lois Bloom", is written over a horizontal line.

THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK